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U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
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UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Case No: **4:22-CV-01077-NCC**

JUAN ARIAS RAMIREZ

Plaintiff

vs.

COCA COLA COMPANY  
OF NORTH AMERICA

Defendant

/

**COMPLAINT**

Plaintiff, Juan Arias Ramirez, sues defendant Coca Cola Company of North America and states the following:

**Introduction**

1. Plaintiff, Juan Arias Ramirez ("Plaintiff") a former employee of Defendant, sues Defendant under the discrimination provisions of 42 USC 1981, for racial discrimination, for creating a hostile work environment and retaliation. Plaintiff seeks back pay, compensatory damages, punitive damages, front pay, injunctive relief, and attorney's fees.

**Jurisdiction, Venue And Parties**

2. This is an action arising under, *inter alia*, Title VII. This Court has federal- question jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. § 1331. Plaintiff, Juan Arias Ramirez, is always a male who material was employed by Defendant as a production Supervisor at their plant located at 1410 E Veterans Memorial Parkway in Truesdale, Missouri, 63383 from approximately August 2020 to April 2021. Mr. Ramirez disparate discrimination and hostile work environment from November 2020 to March 2021. Mr. Ramirez the last 2 weeks of March 2021 up to April 21<sup>st</sup>, 2021, hospitalized as result of the treatment he received by the Coca Cola Company.

3. Venue is proper in the Eastern division of the United States District Court for the Eastern District of Missouri because the claims arose in Truesdale, Warren County, Missouri. The Coca

Cola company no longer controls the plant in Truesdale, Missouri. However, they maintain a registered agent, CT Corporation Systems located at 120 South Central Avenue in Clayton, Missouri 63105. On September 8<sup>th</sup>, 2022. Plaintiff reached out to an agent of defendant, Dawn Lehman Kopra Senior Paralegal, Labor & Employment to mediate the matter before involving this venue. Defendant never answered request to mediate.

#### **Satisfaction Of Conditions Precedent**

4. All conditions precedent to the bringing of this action have been satisfied or waived.

#### **The Applicable Statutes**

5. Title VII of the Civil Rights Act of 1964, as amended, provides in pertinent part at 42 U.S.C. § 2000e-2(a) as follows:

It shall be an unlawful employment practice for an employer —

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race [or] sex ...; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race [or] sex....

#### **General Facts**

6. Ramirez was hired as an operations supervisor for Coca-Cola North America, Truesdale at an annual salary of 80,000.00, on August 20th, 2020. His training rotation involved training with other departments, safety, maintenance, and quality.

7. While training on the quality department, a fellow supervisor Alexandria Andert, a white female, while in an office 4 feet wide by 8 feet long placed her phone next to Ramirez and played the song WAP (Wet Ass Pussy) by Cardi B. That song's first sentence is "there are some whores in this house". Ramirez found her attractive and was apprehensive, but since she did this within days of meeting him as well as telling him that "she needed a man to touch that thing in the back of her throat". Ramirez saw that as an invitation for sex or at least invitation to explore.

8. The environment at Coca Cola was highly sexual. Ramirez's manager Tom Glen, a white male, had met his wife while she direct reported to him. Two white maintenance employees Kyle Crisco and Patrick Kitson had both dated an employee named Britni Harris while on the same shift. A fellow co-supervisor Stacia Dick (real name) had been linked to a used condom along with an employee who directly reported to her, Jay Wentling. A married man.

While he trained in the Quality department, Ramirez was training in the quality department, he was witness to a sexual conversation between Andert and her the temporary quality department manager. In September of 2021, it was publicized that apps like TikTok could be used to track American personnel overseas. Andert was talking about how much she enjoyed the app along with dating apps such as Bumble. She said that had meet a Chiropractor who she had gone on a date within the same week. The Chiropractor had told her about how much money he had made with his ex-girlfriend using the app Onlyfans. Ramirez wanted to leave but couldn't because he was in the far side of the office and both Burger and Andert were on his way to the door. Burger then told Andert that he was surprised that she didn't have an Onlyfans and that he would pay to see what she could do on camera. Ramirez was deeply disturbed by this comment and told Alexandria that he was new but if she wanted to go to HR, he would be her witness. Andert conveyed that Burger was always demeaning to her and that she had been nervous before Covid because both of them had an out of state trip and she feared what Burger would do. Andert said that she would receive advise from another supervisor going through the same treatment, Gayle Gibson. Andert declined to complain to HR about Burger's comment. Nate Burger is a Caucasian male. Ramirez confirmed with Gibson that Burger's treatment of Andert had been ongoing to the point that the plant manager, Deidrick Harris placed himself as Andert direct supervisor in the company's organizational structure. The flirting with Alexandria continued and she seemed receptive, per texts recorded on Coca-Cola's issued phones. She called herself a vanilla bomb to him. She once asked him if "I could handle it". She said her ex "had a 9 incher." Ramirez did not know what that was, so she explained that a 9-inch penis which hurt her and kept her from orgasming. Andert shared with Ramirez that she brought a guy home that week and while putting up her pinky finger and then bending it forward, she said that he could not perform. Per Andert she had told her date "To get the fuck out of her house and blocked him on all social media". They were sitting face to face within 6 feet in the same 4x8 office. Ramirez told her to call him if that ever happened and not to worry, he would be gentle. She giggled and asked if he could handle it. He said there is only one way to find out.

9. Unknown to Ramirez's Andert's team was under investigation by HR because quality personnel was found to have falsified water quality test on the water used to make products such as POWERADE and VITAMIN WATER and that she herself was underperforming by plant management standards. A QA employee named Ben Kending called corporate and made the

complaint. Ramirez was moved to D shift an overnight shift while she stayed in mornings. Andert still enjoyed Ramirez company and told him that she would joint him on D shift. The co-supervisor on D shift, Stacia Dick was having a sexual relationship with a second direct report Lucas Pohlman, a white male. This was the second sexual relationship with a direct report that Stacia had not reported to HR. Ramirez did not want to be around her and made zero attempt to build a relationship with her beside common courtesy. Before Ramirez left the morning shift, Zachary Reichman had told Ramirez that once, Stacia had a disagreement with an operator. She locked herself in a room in the plant and called the plant manager, accusing the operator of harassment. In the same tenure, Stacia was found to have two sexual relationships unreported to HR. But at first, he said to her “ I don’t know why everyone says you are such a bitch. I think that you are great to work with”. Stacia felt that Ramirez was there to take over her job, and she told as much to a third supervisor Al Alhameedy. After Ramirez got to D shift there was a staff rotation. Al Alhameedy was sent to a different shift. A supervisor more junior to Ramirez, Michael Quezada joined the shift. In Coca Cola’s set up, Stacia would be senior supervisor an in charge of Ramirez and Quezada’s training. The racial animus was present as soon as Ramirez got to D shift. In one instance, he found a tenured white employee in the warehouse department, sleeping in his car. A black warehouse employee had complained to Ramirez about the white employee sleeping because everyone else, white looked away or did visit the area. Ramirez emailed plant management which made warehouse manager, white, male look like he did not control his department. In another instance, in the warehouse area, Ramirez witness 2 forklifts crashing into one another while turning a corner. Ramirez reported the instance and againt heard from white warehouse employees that supervisors did not visit the warehouse. One of the employees in the warehouse forklift crash told Ramirez that it would be a “shame if he was hurt in an accident by walking in the warehouse”. He also told Ramirez that it would be a shame if someone called the plant manager and made Ramirez lose his job. This information is contained in CCNA’s information servers and Ramirez does not have access to it. Supervisor Alhameedy was also told by the same warehouse employee that it would be a shame if Ramirez had an accident while walking though the warehouse. Without Alhameedy on the shift, Stacia and Lucas tried to make Ramirez’s life impossible by not answering his calls for assistance using walkie talkie radios or by not helping with his training. He complained as much through Microsoft teams to quality manager Nate Burger and also to his manage Tom Glenn. The harassment felt by Ramirez was so

pervasive that he detailed in his complaints how being around Stacia gave him a pain in the left side of his stomach. If he walked the production floor without her, she would complain. If he left the plant minutes before her, she would complain. If he stepped outside for air, she would complain. If he asked questions about her decisions, she would complain. If Ramirez did not get out of his car to talk to her before the shift, she would complain. Her harassment was pervasive, and he complained to his manager (Tom Glenn) that he wanted to go to another shift because Stacia's harassment was giving him literally ulcer pains. Ramirez communicated as much to Nate burger and his manager Tom Glen. They set up a meeting between Stacia, Ramirez, Glenn and Harris. This happened 3 months after Stacia, and Ramirez first met. In a meeting to clear their differences, Stacia brought up his "B-word" comment without context. All of Ramirez's complaints about her harassment were forgotten and he was written up for that comment without the context. She waited for 3 months to report and did so exactly on the meeting set up on Ramirez behalf to hear his grievances about Stacia's harassment.

10. Subsequent to the four-way meeting, Ramirez was (a) written up for taking a picture of an employee while he was sleeping or looked like he was sleeping on the production line, the picture was taken in November 2020. The write up happened in February 2021, more than 4 weeks after the picture happened. At that time Ramirez told his manager that such was the accepted practice on the floor and that Supervisors Al and Stacia had told me that was acceptable. This was not known to Thomas Glenn. The matter was put to rest when Glen sent an email with best practices when encountering employees sleeping.

11. At the time he told his manager that he was showed pictures by two co-supervisors: Butch Hearn and Al Alhamedy as a common practice in the plant. Ramirez asked his manager to search the company provided to all supervisors in the plant, he would realize so and find multiple pictures of employees taken without their consent. He refused to do so. Ramirez was (b) written up for pursuing Alexandra even though a no point she had told him that she was not interested.

12. Ramirez countered with that a point where she was actively looking for a sexual partner in the plant. Ramirez detailed that he could not be accused of harassment, since she never told him that she wasn't interested. At one point, she sent Ramirez a text which she did not intend to send that said, "she wanted to chase a blonde man in the plant but had not seen him in a while". The plant manager, Deidrick Harris, portrayed Ramirez like he was a harasser and did not search



her phone to see how she flirted and enticed him. They made him feel as he might as well have been chasing women with a mirror on his shoes to look under their skirt. Ramirez never touched Alexandria, said anything sexual, lustful in a vacuum. She, herself would approach sexual topics. In one instance Marty Bates (White male supervisor) asked how come she and Ramirez got along so well. She said that there was a lot of sexual energy and frustration between herself and Ramirez. She also added that she was thinking about sharing something really tiny with him. This happened in the production supervisor's office. Her manager Nate Burger was there as well. As was Zachary Reichman and the D shift maintenance supervisor. Ramirez left the room because Andert had told him that her manager Nate Burger was interested in her and he didn't want to get in a higher manager's bad side. They are all Caucasian, Ramirez is not.

13. Post the 4-way meeting with Stacia, Glenn and Harris, Ramirez was treated like a harasser. Ramirez told his manager that Stacia was sleeping and living with a direct report Lucas Pohlman which they ignored. In the eyes of management here was only one target for disciplinary action against CCNA policies, Juan Arias Ramirez. They never even moved her off the shift where Pohlman would report to her. Pohlman was so entitled that in numerous occasions when Ramirez would ask him questions about the maintenance process he was performing, Pohlman would either not answer or walk away.

14. At the time Ramirez joined D shift, management should have known that Stacia was sleeping with a direct report but still did not report the situation to corporate HR. The unreported relationship was against the Code of Conduct for Coca Cola and he told his direct supervisor that Pohlman felt "above the law" because he was sleeping with the supervisor.

15. Stacia was Pohlman's supervisor because she directed maintenance workforce as well as also received reports from them on developments of repairs and projects. Since they were both white US persons, their misconduct went free of consequence.

16. At every turn neither of his rebuttals were acknowledged. In the eyes of Coca Cola management, all that Ramirez was not, was priced above him; White women's well-being was priced above his regardless of what they did to cause him harm. Native English speakers were priced above him. US born persons were priced above him. Local management was provided counter evidence by Ramirez, but it was dismissed, and Ramirez was harmed intentionally due to him being different to the majority in skin color, national origin and race.

17. Through his employment at Coca Cola North America, Ramirez had lost his enjoyment of life. Stacia's harassment was so pervasive that on the weekend of the NFC championship game in 2020, she called each one of the 6 other production supervisors to tell them that Ramirez was sexually harassing Andert. Without an investigation, observing Ramirez's evidence or publicizing her own sexual relationship with a direct report. Stacia created a hostile work environment for Ramirez by tainting his reputation and work relationships. She was directly interfering with Ramirez's employment. On that of NFC championship of packers V. Buccaneers. Stacia used her company provided phone to call other production supervisors to ask them to report Ramirez. Even to this effort to taint and defame an employee, local management did nothing. Local management was aware of the defamation because the plant manager Deidrick Harris brought up her attempt to discredit Ramirez on the 4-way meeting where Stacia brought up his "b-word comment". At no point did Stacia disclose her own sexual relations with her direct report to neither HR nor plant management. Ramirez did so to management, and nothing happened. This was not about following company policy; this was about hurting Ramirez, a dark-skinned, non-US born male who would not service her or cater to her.

18. Through Stacia's efforts, Ramirez's reputation was tainted without hope of recovery. On the day of the NFCSG, two recurring conveyor belts on Line 4 coming out of the heat tunnel malfunctioned, one of them stopped which created a crash of tea cases. Ramirez was walking by and shut off the working conveyor. Ramirez waved over the Operator Chris cook over to the location and told him that the conveyor malfunction and also pointed to the conveyor and told Chris Cook that he, Ramirez, had shut it off. Line 4 was attended by Pohlman, Ramirez asked cook to call maintenance and left to avoid the bad energy. A while later, Ramirez was in the break room watching the game between the Buccaneers and the Packers on the room's TV. It was late in the game; Stacia came in and asked Ramirez to come to the office because she wanted to talk to him. Ramirez told Stacia that he was watching Tom Brady go to the super Bowl and to not ruin it for him. Some team members in the break room started laughing. Stacia left the room. A while later Ramirez met Stacia in the production Office. Stacia told Ramirez that the maintenance team had been struggling to start the conveyors on line 4 because Ramirez didn't tell anyone that he turned them off. Ramirez told Stacia that he had told Cook that he turned off the conveyors. Stacia raised her voiced and said, "No you didn't, No you didn't". Ramirez told Stacia that she didn't know what she was talking about because if he had not told anyone about

turning the conveyor off. How come the maintenance crew knew who turned the conveyor off. Stacia went quiet for a brief minute and then started flailing her arms back and forward “saying that she knew what she was talking about and that she had been working in that plant for multiple years”. She then called Ramirez “Boot licker who could not speak English”. By insulting Ramirez’s native language heritage, she was harassing his race as Dominican born Afro-Caribbean male.

19. Stacia had already been caught in discriminatory behavior against dark skinned males before. (A) a machine operator Lantz Thomas, had been order by Stacia to change a reel of labels, which he protested as being unsafe. She again ordered him to do it. He sought a second supervisor, whom agreed with Lantz that the action was unsafe. Stacia approved the payroll for the whole shift the following pay period. Except for Lantz Thomas’s. On another occasion (B) Stacia attempted to write up Lantz Thomas for using his cell phone on the floor. On the same day, she was observed telling another, white male operator, Kyle Teffer. I know you are using your phone to talk to your boss so am going to look away. When Lantz was presented with the write up, he told his story of disparate discrimination to management and his local union steward. The matter was dropped, and Stacia did not face consequences. As Ramirez tried making peace with the situation and just mind the operation, Stacia would spend more and more time in the production office and would not be present on the production floor. Ramirez needed instruction and back up. Stacia relied on texting her sexual partner and other team members to find out what was going on in the plant. On a third circumstance of disparate treatment (C) Stacia suspended team member Fierce Taylor after seeing him using his phone while working on line 2. Ramirez complained to Tom Glenn, his manager, that such was unfair because the amount of time Stacia used to communicate with white team members. Nothing was done about the suspension, besides Ramirez being told that such practice should not be happening.

20-On the day of NFCCG, Line 4 was continuously down. Per production manager, Glen, when lines were down. Team members were to clean their areas. Those instructions were emailed to all supervisors. Following his employer’s expectations, Ramirez told an operator named Brandon Watts whom, he found on a different section of line 4 on a different floor to go back to his work area and remove trash while the line came back up. Watts texted Stacia about Ramirez’s orders. Stacia caught up to Ramirez and again asked him to talk in the office. Ramirez was told earlier on the same day about Stacia’s efforts to report him as a sexual harasser.



Ramirez was professional and obliged. Stacia told Ramirez to not have team members clean. Ramirez told Stacia that he was doing what his boss told him to do. Stacia told Ramirez to again “stop being a boot licker”. Ramirez, a 6’2” dark skinned man, controlled himself and was professional and asked what she meant by that. Stacia detailed that Arias had replied in Spanish to a gesture from another Spanish speaker employee, the maintenance manager. The manager had purchased pizzas for the crew himself and then endorsed other supervisors to do the same for the crew Ramirez and Stacia were part of. Stacia then related that was why herself and the team felt Ramirez was a boot licker who couldn’t speak English. Stacia also told Ramirez that nobody could understand him. Ramirez left the office and went to check on the production lines.

21. Once in the filler room, Ramirez gave Brandon a greeting, immediately Brandon took a broom handle like tool used to unjam the cap line, where caps travel from the cap hopper to the capper machine. He threw the tool toward the ceiling, which made Ramirez seek cover. When Ramirez emerged, Mr. Watts was yelling that his name was with an E between R&N. The personnel file for Mr. Watts spells his name as BRANDEN. Ramirez apologized and left the room. Ramirez then realize that the events of that day from the attempts to taint his reputation, to the racial insults to Branden’s behavior were disproportionate to Ramirez actions and discriminatory harassment.

22. Ramirez’s attempts to follow his employer’s expectations clashed directly with Stacia’s behavior. A) Manager Glenn ordered supervisors to approve payroll for their own shifts. When supervising Arias training Stacia told him to let the shift working that weekend approve every employee’s payroll. Ramirez refused and reported the event to Glenn. B) Stacia set up the holiday schedule for operators for thanksgiving, Christmas and new years and went on vacation. Operator Kyle Teffer was told by Stacia that he would be off but did not update him when she changed the schedule. This made Teffer disqualified for holiday pay. C) Stacia scheduled a female employee a day before the holiday by phone without publicizing it. The operator decided the job was too hard and left. This made her disqualified for holiday pay, but since Stacia told her to show up verbally outside of the approve process nothing could be done. Ramirez reported this to Glenn. D) Stacia told a line 4 bottle pusher operator named Kyle, that he could be off for the holidays. He scheduled a trip out of state. The number of lines that would be run during the holidays increased and so did the amount of personnel need. Ramirez informed Kyle that he was not off due to seniority and the increase in lines to be run during holidays. Ramirez again

reported Stacia's deviation from Employer's expectations. Management did not do anything about her behavior.

23. Ramirez told his managers that Stacia would sit in the office and text her sexual partner about what she wanted done and vice versa and not do her work. In one instance, Stacia was texting a lot. Ramirez asked Stacia what she was texting about so much. Stacia answer that she was setting the tone to be a lady on the streets and a freak in the sheets. However, they used the same policy to suspend a black employee, Fierce Taylor, for checking his phone to see the status of his sick son. In one instance, Ramirez told Glenn, that we (Ramirez, Quezada and Stacia) were checking the lines, Stacia pulls her phone to text and 3 minutes later her boyfriend showed up to fix a leak on a pipe. Management still did not do anything to Stacia. Ramirez told his managers that he was not interested in Stacia and did not want anything with her but a "shift partner" relationship. But she had to be the center of attention. Ramirez told Glenn that she had witnessed a team member, Alex Lamper, (White Caucasian) calling a former team member, Britney Harris, "Meat drapes" with both Stacia and Alexandra in the room. Neither of the two females had complained about Alex behavior to HR or anyone. However, Ramirez sole presence in a position of authority made the white women involved in this narrative "uncomfortable". Why was there such an uproar about Ramirez? He had done nothing comparable to on Nate's OnlyFans comment or Alex's meat drapes comments

24. On the day of the NFCCG, while on his way to work. Ramirez received a call from Supervisor Al Alhameedy. He called Ramirez in the coca Cola issued phone to let him know that Andert was going to sacrifice him to not get fired over the falsification of water purity tests. He said that Stacia had called multiple supervisors to accuse Ramirez of being a harasser and ask them to report Ramirez. Alhameedy said that he had called the production manager Glenn to let him know about the efforts. That is how Plant manager Deidrick knew that Stacia was defaming Ramirez before their 4-way meeting. Ramirez subsequently called HR and advised that he was being accused of sexual harassment for Andert to not be fired.

25. After Stacia tainted Ramirez's reputation by calling all remaining production supervisors and judging him as a sexual harasser. Ramirez was suspended for 4 days and sent to a different shift. This didn't happen before being humiliated by the plant manager in front of Stacia and multiple other supervisors: In a school circle setting, the plant manager (Deidrick Harris) was discussing the plant's safety record which was getting worst. The plant manager asked why it

was important to rotate duties in an 8-hour shift. He asked Ramirez. Ramirez said to avoid Musculoskeletal injuries. Deidrick asked what that meant because he couldn't understand Ramirez. This comment made all US born persons in the room laugh (Stacia, Andert and Quezada). Harris interviewed Ramirez and hired him. Suddenly, once Ramirez called the Human Resources Hotline to advise that Andert had accused him of sexual harassment as to not be fired over the forgery of water testing data. His English was not good enough to communicate.

26. In an attempt to meet his employer's expectations, Ramirez had discussed with Glenn the need for employees in line 1, a manually heavy line to change roles with team members from line 4. Glenn advised that such arrangement was already happening on the shift. Ramirez told Glenn that in the months that he had working on D shift. He had never seen such arrangement done and that is why he was suggesting it. Glenn said that he would follow up with Stacia as to why the practice was no longer in place.

26. 99% of women in the plant were white. Even as they knew that Stacia was calling supervisors to smear me neither the plant manager nor production manager took his complaints about her behavior in writing. Ramirez felt that he did not have a place on the Coca-Cola network unless it was to serve and be obedient to white women. To local management regardless of what accomplishments he had, Ramirez was nothing more than a liability, a black man hunting white women in the rural Midwest and had to be stopped. Local management did not question the white women's behavior or what it had caused Ramirez.

27. In the meeting after the suspension, attended by Tom Glenn and Deidrick Harris. Ramirez was told by the plant manager that all his write ups came from Stacia's information. Hence, Stacia performed a supervisory role over Ramirez while he was training. Ramirez was placed into an impossible situation of servitude; he had to satisfy Stacia's standards, while she had an unreported sexual relationship with a direct report and had a track record of disparate treatment against dark skinned men. Ramirez asked how that fair to his managers, but his questions were not addressed. Subsequently, he received a greatly reduced performance bonus compared to peers.

28. A few weeks after the suspension, Ramirez was accused of sexual harassment again with Alexandria. His supervisor Tom Glenn called to tell Ramirez that he was suspended "because they had to protect Alexandria". Ramirez once again told Glenn about Stacia's sexual relationship with a direct report. He again told him about Nate's Onlyfans comments. He again

told Glenn the WAP song by Cardi B that Alexandria played for him. The song is reference in texts on coca cola provided phones to Ramirez and Andert. Glenn said that what happened between Ramirez and Andert had gotten out and that they just had to protect Andert (A White woman). Ramirez told Glenn that he would quit. Glenn said that someone from HR would call Ramirez and for Ramirez to email his resignation. Ramirez repeated to the HR person, the information that he had related to Glenn. Ramirez felt that even if he survived this investigation there would be others to come. He had no place in the Coca Cola's network unless it was to obey and be undermined by the white employees working there. Ramirez asked the HR person if he could use his vacation time and two weeks unpaid for a total of 4 weeks to find another job. He was told no. Ramirez was destitute.

29. The plant manager in the meeting after the suspension said he found Ramirez incompetent because he did not have relationships with people in the building. One TM Mandy Hedge, failed to do her proper timely checks on line 5 about bottle torks, weights and bottle quality. Ramirez let her manager know and within the same week with knowing him less than 2 full weeks she was telling people that "made her feel uncomfortable". Information related to Alhameedy by Stacia. Once Stacia realized that he would not look the other way while she disappeared with Lucas Pohlman into secluded areas of the plant, she started going from woman to woman in the plant bashing Ramirez to them and asking if he had suspicious behavior. All of Stacia's constant harassment and bad faith were ignored by Ramirez's managers because she was a white female and they believed that a lawsuit from her for unequal treatment would be harder to defend than a black male's claim, since she was a white woman crying rape. These were the women that Ramirez needed to relate to. How could Ramirez relate to these women when they themselves didn't have relationships with dark skinned men besides the one forced on them by their "equal opportunity" employer.

30. Ramirez was so distraught over the fact that he was telling the truth and was penalized over people who were committing misconduct that he attempted suicide; he drove to a secluded location and shot himself in the chest with a 9MM pistol. Ramirez could only think about his manager Tom Glenn telling him that Andert, a white woman, had to be protected from him. Ramirez was made to feel like a predator. It no longer mattered that he was raised by a single woman. He was a predator that had to be removed from a good paying job with room for growth and the ability to make an honest living. While maintaining a sexual relationship with a

direct report, Stacia was allowed to taint Ramirez reputation. Stacia's harassment of him, a black man, went uninvestigated, unvalued. Ramirez dignity was null. The suicide attempt with a 9mm bullet to the chest caused a removed spleen and weaker immune system for life. 3 broken ribs, removed section of his liver, collapsed lung and the loss of a third of the blood contained in Ramirez's body.

31. Currently, Ramirez commutes for one hour, one way. In long commutes Ramirez can feel the wetness of the blood on his back against the seat. He can feel the burn taste of the gun powder down his throat. The void noise of losing my hearing after the shot ran out. The resistance of the trigger on his finger. The scene of his loved ones seeing him unconscious drench in blood in a hospital gurney. Coca Cola covered 184K in medical cost through the insurer Aetna. It is unclear what the test they used to find themselves responsible for the medical claims.

32. Ramirez's case was not investigated fairly. If anyone knew of his interest in Andert in that plant, they reported him to HR based on his skin color but not Stacia's unreported sexual relationship to HR. The environment was highly sexual. As recorded in Coca Cola issued phones, there are pictures taken without team member's consent. Andert openly flirts with Ramirez. Ramirez was never told that his advances were unwanted before Stacia's reached out to production supervisor to tell her version without asking Ramirez any questions on the situation. It was done due to racial preferences and not adherence to company policy.

32. The day of his resignation, March 21st, 2021, Ramirez filed a complaint with the EEOC 560-2021-01259. He could not perform that interview because he was medicated and told to avoid stress by the Doctors. The hospitalization for some 30 days followed 7 months of unemployment while Stacia was able to maintain her employment. That stretch of unemployment led to a divorce and subsequent Chapter 13 bankruptcy. Ramirez had to learn how to walk. Ramirez had to learn how to chew and swallow. Ramirez had Metal staples for weeks on his stomach. Ramirez had to shower for weeks after defecating because he could not clean himself. Ramirez had dreams of peeing blood for weeks. Ramirez dealt with erectile dysfunction due to use of antidepressants. When Ramirez inhales to capacity, he feels a pinch in his upper back from where his lung was plugged. Ramirez On October 7<sup>th</sup>, 2022, Ramirez obtained a Right to Sue Letter with charges for sex discrimination, color discrimination and



national origin discrimination. As of now, Ramirez proceeds with the discrimination provisions of 42 USC 1981.

33. Once Ramirez complained to Glenn that Stacia had called him a Boot licker who could not speak English, he should have been protected from the race-based harassment. How is a 6'2" black man supposed to defend himself from a white woman who accuses him of making her feel uncomfortable? What is uncomfortable? Will a black man's attempt to defend himself from the white woman's accusation. Make said white woman uncomfortable. If so. How does the black man with without institutional support. Ramirez was a victim of race-based harassment and disparate discrimination. Why was Ramirez treated so harshly. He was treated harshly because Coca-Cola overvalued a possible discrimination charge from a white woman than that of a black male. A foreign born one at that.

34. Another supervisor Michael Quezada (white) was alerted to an employee suffering an injury on the plant, which Quesada did not report while working with Stacia. The team member had to seek individual private medical help. Neither Stacia or Michael received reprimand or suspension. In another occasion, Kim Johnson (white female, Quality Supervisor) failed to perform checks for metal shavings on a batch of product on Line 2. The line was producing squeeze VITAMIN WATER. Her failure produced over 50K dollars in losses on a single night in the last months of 2020. Nothing happened to her. In the second week of March 2021, Deidrick Harris called Ramirez a liar in a meeting with Stacia, Quesada and Andert. Ramirez missrecalled the order of products ran the previous day. Harris had failed to mention the fact that Andert as a Quality supervisor did not know how to troubleshoot the blender for line 5, which cause the line to not produce any product for over 7 hours. In Febreaury or March of 2021. While investigating an injury. Susan Timber Jennings asked if he had already told management. Ramirez answered yes. Susan called the plant manager who called Ramirez on the company cell phone to call Ramirez a liar. Ramirez explained to Harris that when he said management, he meant Tom Glenn, Ramirez immediate manager. Harris hanged up without explanation. Such behavior denotes the persecution of Ramirez.

35. Ramirez's time at Coca-Cola North America coincided with the 2020 federal elections and the tension between a 98% white population and a 2% dark skinned one was alive and well. Multiple white employees showed their racial preferences, once such employee worked on c shift. His car was plastered with racial decals against BLM and one read "Obama Came

from Africa". His stay also coincided with the "Be less white" Coca cola training scandal which caused white employees at Coca-Cola to feel undermined and having a foreign-born supervisor with an accent, didn't make them feel better about themselves. One such employee called JD told Ramirez because of the "be so white dram" he knows why he couldn't get a supervisor job.

36. Ramirez got to read while in the hospital, the requisition posted for supervisor vacancy. In an effective endorsement of Stacia's racist foul insult of being a "boot licker who can't speak English". Coca Cola North America added a "Must speak English requirement to the requisition". They filled it immediately with a white person who had been passed over multiple times for the role. The hiring was doing in far less time than the usual hiring/interview process would take. On the requisition that Ramirez applied to there was no mention of the English language requirement.

### **COUNT I**

#### **Section 1981—Discrimination and Retaliation on the Basis of Race**

37. Ramirez realleges the foregoing paragraphs as though fully set forth herein.

38. Ramirez is a member of a protected class on the basis of race. He is an Afro-Caribbean

39. Ramirez, in all respects, was performing his job in a manner that was consistent with Coca Cola's legitimate business expectations.

40. Coca Cola discriminated against Ramirez as described above, including but not limited to harassing him, subjecting him to a hostile work environment.

41. Coca Cola also retaliated against Ramirez as described above.

42. Coca Cola's actions were taken with a willful and wanton disregard of Ramirez's rights under Section 1981.

43. As a direct and proximate result of said unlawful employment practices and in disregard of Ramirez's rights and sensibilities, Ramirez has suffered humiliation, degradation, emotional distress, loss enjoyment of life, other consequential damages, and lost wages.

WHEREFORE, Ramirez prays that this Court:

1. Enter judgment in favor of him and against Coca Cola for violation of his rights under Section 1981;

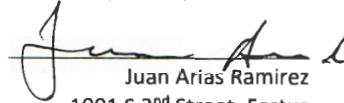
2. Declare that the actions of Coca Cola constituted unlawful discrimination;

3. Award Ramirez compensatory damages, including, but not limited to, lost wages and benefits, in such amount as will reasonably compensate him for his losses, and damages for emotional distress.
4. Award Ramirez punitive damages in such amount as the Court deems proper.
5. Grant Ramirez such other and further relief as the Court deems equitable and just.

**JURY DEMAND**

Ramirez hereby demands trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully Submitted,



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